

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

FRANKLIN L. WILLIAMS,

Petitioner,

v.

CIVIL ACTION NO.: CV511-083

REBECCA TAMEZ, Warden, and
MARTIN EAVES,

Respondents.

ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which "Objections"¹ have been filed. In his Objections, Petitioner Franklin Williams ("Williams") makes general allegations that he is actually innocent of the charges underlying his state court convictions and that he has pursued his rights with due diligence. Williams asserts that the Court should conduct an evidentiary hearing and grant his petition.

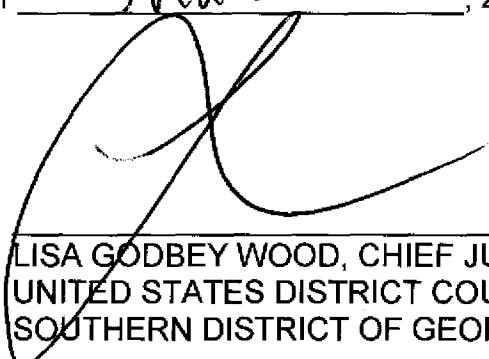
Williams finds fault with this Court's application of rules and case law pertaining to the filing of second or successive petitions filed pursuant to 28 U.S.C. § 2254. As Williams has been advised on numerous occasions, his petition is barred because he has presented the same factual assertions and legal claims on more than one occasion. As a result, this Court cannot entertain Williams' petition without authorization from the

¹ Williams filed two (2) Motions to Amend, which the undersigned construes as part of Williams' Objections to the Magistrate Judge's Report and Recommendation. Williams also filed a pleading entitled "Opposition to the Magistrate Judge's Report and Recommendation".

Eleventh Circuit Court of Appeals, even if his petition were not barred by 28 U.S.C. § 2244(b).

Williams' Objections are **overruled**. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Williams' petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254, is **DISMISSED**. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 1 day of March, 2012.



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA